



Ontario: Annual Statutes

1993

c Pr7 London (City of) Act (Vital Services), 1993

Ontario

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Bibliographic Citation

London (City of) Act (Vital Services), 1993, SO 1993, c Pr7

Repository Citation

Ontario (1993) "c Pr7 London (City of) Act (Vital Services), 1993," *Ontario: Annual Statutes*: Vol. 1993, Article 52.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1993/iss1/52

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CHAPTER Pr7

An Act respecting the City of London

Assented to June 30, 1993

Preamble

The Corporation of the City of London has applied for special legislation concerning the provision of vital services at leased or rented dwellings.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

“City” means The Corporation of the City of London;

“vital service” means fuel, electricity, gas, hot water, water and steam;

“vital services by-law” means a by-law passed under clause 2 (1) (a).

By-laws respecting vital services

2.—(1) City council may pass by-laws,

- (a) requiring every landlord of a building or part of a building that is rented or leased as a dwelling to provide adequate and suitable vital services to each part of the building that is used as a dwelling;
- (b) requiring every supplier of a vital service that is the subject of a vital services by-law to give the notice described in subsection (4) in the circumstances described in that subsection;
- (c) prohibiting a supplier from ceasing to provide the vital service until the notice has been given;
- (d) requiring a supplier to promptly restore the vital service when directed to do so by an official named in the by-law;
- (e) prohibiting a person from hindering, obstructing, molesting or interfering with or attempting to hinder, obstruct, molest or interfere with the official or person referred to in subsection (6) in the exercise of a power or performance of a duty under this Act;
- (f) providing that a person who contravenes or fails to comply with a by-law

is guilty of an offence for each day or part of a day on which the offence occurs or continues;

- (g) providing that every director or officer of a corporation that is convicted of an offence who knowingly concurs in the commission of the offence is guilty of an offence;
- (h) authorizing an official named in the by-law to enter into agreements on behalf of the City with suppliers of vital services to ensure that adequate and suitable vital services are provided at rented or leased dwellings.

(2) A vital services by-law does not apply to a landlord to the extent that a tenant has expressly agreed to obtain and maintain the vital services. Exception

(3) A vital services by-law may, Contents of vital services by-law

- (a) classify buildings or parts of buildings for the purposes of the by-law and designate the classes to which it applies;
- (b) designate areas of the municipality in which the by-law applies;
- (c) establish standards for the provision of adequate and suitable vital services;
- (d) prohibit a landlord from ceasing to provide a vital service at a dwelling except when necessary to alter or repair the dwelling and only for the minimum period necessary to effect the alteration or repair;
- (e) provide that a landlord shall be deemed to have caused the cessation of a vital service at a dwelling if the landlord is obligated to pay the supplier for the vital service and fails to do so and, as a result of the non-payment, the vital service is no longer provided at the dwelling.

(4) The supplier is required to give notice only if the vital service is being discontinued at the dwelling because the landlord has breached a contract with the supplier for the supply of the vital service. Notice by supplier

Same	(5) The notice must be given in writing to the clerk of the City at least fifteen days before the supplier ceases to provide the vital service.	lien and to all mortgagees or other encumbrancers registered on title.	
Inspection	(6) An official named in the by-law or a person acting under his or her instructions may, at all reasonable times, enter and inspect a building or part of a building with respect to which the by-law applies for the purpose of determining compliance with the by-law or a direction given under this Act or the by-law.	(6) An affected owner, mortgagee or other encumbrancer may, within fifteen days after the interim certificate is mailed, appeal the amount shown on it to the City council.	Appeal
Same	(7) Despite subsection (6), the official or person shall not enter a place actually used as a dwelling, (a) unless he or she has obtained the consent of the occupier of the dwelling after informing him or her that he or she may refuse permission to enter the dwelling; or (b) unless he or she is authorized to do so by a warrant issued under the <i>Provincial Offences Act</i> .	4.—(1) If the City has arranged for a vital service to be provided at a dwelling, an official named in the vital services by-law may direct a tenant to pay any or all of the rent for the dwelling to the City. (2) Despite the <i>Landlord and Tenant Act</i> , a payment by a tenant under subsection (1) shall be deemed not to constitute a default in the payment of rent due under a tenancy agreement or a default in the tenant's obligations for the purposes of the <i>Landlord and Tenant Act</i> . (3) The City shall apply the rent received from a tenant to reduce the amount spent by the City to provide the vital service and the related administrative fee. (4) The City shall pay to the person otherwise entitled to receive the rent any amount remaining after the rent is applied in accordance with subsection (3).	Payments transferred Effect of payment Use of money Balance
Services by City	3.—(1) If a landlord does not provide a vital service at a dwelling in accordance with a vital services by-law, the City may arrange for the service to be provided.		
Lien	(2) The City has a lien for the amount it spends under subsection (1) plus an administrative fee of 10 per cent of that amount against the property at which the vital service is provided.	5.—(1) No action or other proceeding for damages or otherwise lies or shall be instituted against an official or a person acting under his or her instructions or against an employee or agent of the City for any act done in good faith in the execution or intended execution or a duty or authority under this Act or a by-law passed under it or for any alleged neglect or default in the execution in good faith of such a duty or authority.	Immunity
Deemed taxes	(3) The amount spent plus the administrative fee shall be deemed to be municipal taxes levied in the year in which the amount was spent and shall be added to the collector's roll and be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes.	(2) Subsection (1) does not relieve the City of liability in respect of a tort committed by an official or a person acting under his or her instructions or by an employee or agent of the City to which the City would otherwise be subject.	Same
Certificate	(4) The certificate of the clerk of the City as to the amount spent by the City is proof, in the absence of evidence to the contrary, of the amount.		
Interim certificate	(5) Before issuing a certificate described in subsection (4), the clerk shall send an interim certificate by registered mail to the registered owner of the property that is subject to the	6. This Act comes into force on the day it receives Royal Assent. 7. The short title of this Act is the <i>City of London Act (Vital Services), 1993</i> .	Commencement Short title